IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 174 of 2004

1. Pooja Agarwal
   W/o Shri Aditya Vikram Agarwal
   R/o Rogan Garan
   Thana Bhawan,
   Police Station Thana Bhawan
   District Muzaffar Nagar (U.P.)
2. Ravi Kant Agarwal
   S/o Shri Sukh Darshan Lal
   R/o Village Titari District
   Saharanpur
   Uttar Pradesh ..... Applicants

Versus

1. State of Uttaranchal
2. Smt. Heta W/o Devendra Agarwal
   D/o Rajendra Kumar Gupta
   R/o F- 125/4 O.F.D. Estate
   Police Station Raipur
   District Dehradun .....Opposite Parties

Sri Sandeep Tandon learned counsel for the applicant
Sri Lokendra Dobhal learned counsel for the opposite party no.2

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. filed by Pooja Agarwal for quashing the impugned order dated 02.04.2004 passed by Judicial Magistrate (C.B.I.) Dehradun in Criminal Case No. 2280 of 2004 State Vs. Pooja Agarwal & other, under Sections 498-A and 506 of I.P.C. as well as chargesheet dated 24.03.2004 submitted by Police Station Raipur, District Dehradun.

Opposite party no. 2 Smt. Heta has appeared before this Court and she is being represented by Sri Lokendra Dobhan-Advocate.

Both the parties have submitted that the petitioner as well as opposite party no. 2 have entered into compromise and their compromise has been verified in a conciliation proceeding before the Additional Registrar of this Court.

On the previous occasion, there was a dispute with regard to some valuable property and if the, petitioner pays a sum of Rs. 30,000/- (Rupees Thirty thousand only) to the opposite party no. 2 only than the controversy shall come to an end.

Now, today both the parties are present before the Court and the petitioner/applicant has paid a draft bearing No. 002328 dated 21.02.2005 for Rs. 30,000/- (Rupees Thirty thousand only) drawn on HDFC Bank to the opposite party no. 2.

In view of the compromise arrived at between the parties, no controversy is now pending.

Accordingly, in view of the compromise arrived at between the parties as well as in the light of the direction issued by Hon'ble Supreme Court reported in ***2003 SCC (Criminal) page 848 B.S. Joshi and others Vs. State of Haryana & another*** wherein it is observed:-

> *" There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash*

the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code."

In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or compliant and Section 320 of the Code does not limit or affect the powers u/s 482 of the Code."

I am, therefore, of the view that the petition filed under Section 482 Cr.P.C. should be disposed of in the light of the aforesaid decision.

The petition under Section 482 Cr. P.C. is disposed of in terms of the compromise arrived at between the parties. The impugned order dated 02.04.2004 passed by Judicial Magistrate (C.B.I.) and chargesheet dated 24.03.2004 submitted by the Police Raipur, District Dehradun (Annexure 21 to the petition) is accordingly quashed.

(B.C. Kandpal, J.)

23.02.2005
ASWAL